

# STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
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**COMPLAINT OF INDIANA BELL  
TELEPHONE COMPANY,  
INCORPORATED D/B/A SBC INDIANA  
FOR EXPEDITED REVIEW OF A DISPUTE  
WITH CERTAIN CLECS REGARDING  
ADOPTION OF AN AMENDMENT TO  
COMMISSION APPROVED  
INTERCONNECTION AGREEMENTS**

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DEC 03 2004

INDIANA UTILITY  
REGULATORY COMMISSION  
CAUSE NO. 42749

You are hereby notified that on this date the Presiding Officers in this Cause make the following Entry:

On December 1, 2004, Indiana Bell Telephone Company, Incorporated, d/b/a SBC Indiana ("SBC Indiana") filed a *Motion for Enlargement of Time to Respond to Motion to Dismiss* ("SBC Motion"), seeking to extend from December 6, 2004, to December 15, 2004, the deadline to file a response to Qwest Communications Corporation's ("Qwest's") November 23, 2004 Motion to Dismiss the SBC Indiana Complaint that initiated this proceeding. The SBC Motion states that it expects other Motions to Dismiss to be filed in this Cause by December 2, 2004, and requests, in the interest of judicial economy, that it be allowed to file one response which, calculated from December 2, 2004, by application of 170 IAC 1-1.1-12, would be due December 15, 2004. We note that on December 2, 2004, several other Motions to Dismiss SBC Indiana's Complaint were, in fact, filed in this Cause. The SBC Motion also states that Qwest has no objection to this request for enlargement of time. Commission rule 170 IAC 1-1.1-12(e) permits the presiding officers to prescribe a time other than the presumptive ten (10) day period within which a response to a written motion must be filed.

The SBC Motion should be granted. SBC Indiana should file any response to Qwest's Motion to Dismiss on or before December 15, 2004.

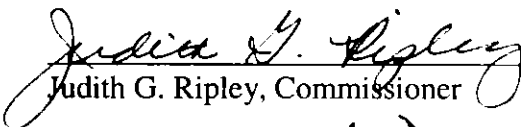
On December 1, 2004, Qwest filed a *Motion for Enlargement of Time in Which to File Answer* ("Qwest Motion"), seeking to extend its deadline to file an Answer to SBC Indiana's November 9, 2004 Complaint that initiated this proceeding. Pursuant to 170 IAC 1-1.1-10(c), an Answer to a Complaint must be filed within twenty (20) days of service of the Complaint. By application of this Commission rule, an Answer to SBC Indiana's Complaint is due December 2, 2004. The Qwest Motion seeks to extend this deadline to ten (10) days after a written ruling on its Motion to Dismiss SBC Indiana's Complaint. The Qwest Motion states that if the presiding officers grant Qwest's Motion


to Dismiss, the issue of answering the Complaint is moot. The Qwest Motion also states that SBC Indiana has no objection to the requested enlargement of time.

On December 1, 2004, eGIX Network Systems, Inc., FBN Indiana, Inc., MCI WorldCom Communications, Inc., MCImetro Access Transmission Services, LLC, Intermedia Communications, Inc., Midwest Telecom of America, Inc., Nuvox Communications of Indiana, Inc., Talk America, Inc., Time Warner Telecom of Indiana, L.P., XO Indiana, Inc., and Z-Tel Communications, Inc. (collectively, "Joint CLECs") filed a *Motion of Certain Joint CLECs for Enlargement of Time to Answer Complaint* ("Joint CLEC Motion"), seeking the same enlargement of time as requested in the Qwest Motion. We note that on December 2, 2004, the Joint CLECs filed a Motion to Dismiss SBC Indiana's Complaint.

Commission Rule 170 IAC 1-1.1-10(c)(1)(C) permits the presiding officers to prescribe a time other than the presumptive twenty (20) day period within which to file an Answer to a Complaint. The Qwest Motion and the Joint CLEC Motion should be granted as to the requested enlargement of time. We note, however, while all CLEC movants have requested that their Answers be due ten (10) days after a *written* ruling on the Motions to Dismiss, a ruling may not necessarily be in writing. Accordingly, Qwest and the Joint CLECs should file any Answers to SBC Indiana's Complaint in this Cause within ten (10) days after a ruling on their Motions to Dismiss.

**IT IS SO ORDERED.**

  
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Judith G. Ripley, Commissioner

  
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William G. Divine, Administrative Law Judge

12-3-04  
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Date